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सं. 19]

नई दिल्ली, शनिवार, अगस्त 10, 1991/श्रावण 19, 1913

No. 19]

NEW DELHI, SATURDAY, AUGUST 10, 1991/SRAVANA 19, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

(संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय अधिकारियों द्वारा जारी किए गए आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than Administrations of Union
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 5 जुलाई, 1991

आ.अ. 80 :—भारत निर्वाचन आयोग 16-इरन्दोल संसदीय
निर्वाचन-क्षेत्र से लोक सभा के श्री उत्तम राव लक्ष्मण राव पाटिल के
निर्वाचन को प्रश्नगत करने वाली 1990 की निर्वाचन अर्जी सं. 3 में
मुम्बई उच्च न्यायालय (औरंगाबाद खण्ड पीठ) के तारीख 12-11-1990
और 22-3-1991 वाले निर्णय/आदेश को लोक प्रतिनिधित्व अधिनियम,
1951 (1951 का 43) की धारा 106 के अनुसरण में इसके द्वारा
प्रकाशित करता है।

[सं. 82/महा-लो.स./3/90 (औरंगाबाद)]

ELECTION COMMISSION OF INDIA

New Delhi, the 5th July, 1991

O.N. 80.—In pursuance of section 106 of the Repre-
sentation of the People Act, 1951 (43 of 1951), the Election
Commission of India hereby publishes the Judgment/Order,
dated 12-11-1990 and 22-3-1991, of the High Court of
Judicature at Bombay (Aurangabad Bench), in Election Peti-
tion No. 3 of 1990, calling in question the election of
Shri Uttamrao Laxmanrao Patil to the House of the People
from 15-Erandol Parliamentary constituency.

[No. 82/MT-HP/3/90(Aurangabad)]

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ORDINARY ORIGINAL CIVIL JURISDICTION
AND

IN ITS INHERENT AND GENERAL JURISDICTION
ELECTION PETITION NO. 3 of 1990

DISTRICT : JALGAON.

In the matter of the Representation of the Peoples Act,
1951;

AND

In the matter of Section 80 read with sections 100, 101
and 123 of the Representation of the People Act,
1951;

AND

In the matter of election to the Parliament (Lok Sabha)
from 15 Erandol Constituency held on 24-11-1989;

AND

In the matter of the election of Uttamrao Laxmanrao
Patil the elected candidate.

Vijay Navel Patil,
Age 47 yrs. Occ. Agriculture,
R/o Chandan Apartment,
Near Dr. Sikachi's Hospital,

Jalgaon.

PETITIONER.

: VERSUS :

1. Uttamrao Laxmanrao Patil,
Age 69 yrs. Oc. Agriculture,
26, A. Prule Colony, Dhule,
2. Dr. Madhukarrao Atmaram Patil,
At Post : Amalgaon, Tq.
Amalner, Dist. Jalgaon.
3. A. Hakeem A. Rahman
Age Major, Occ. Agri.,
R/o Manner Ali, At Post
Tq. Chopda, Dist. Jalgaon.
4. Umakant Hemraj Chaudhari,
Age Major, Occ. Agri.
R/o At-Award, Post Idagaon,
Tel. & Dist. Jalgaon.
5. Navnvare Digambar Awachit,
Age Major, Occ. Agri.
R/o Nutal Maratha Vidyalaya,
(E) District Peth,
Jalgaon.
6. Sadashiv Daulat Khairnar
Age Major, Occ. Agri.
R/o At Sawalkhede,
Post-Aadgaon, Via Devagaon,
Tq. Parola, Dist. Jalgaon.
7. Popatlal Fulchand Jain,
Age Major, Occ. Agri.,
R/o Talavgalli, At Post
& Taluka Parola, Dist. Jalgaon.
8. Gorakh S/o Raghunath Patil,
Age Major, Occ. Agri.
R/o At & Post Rajamane Railway
Station, Tq. Chalgaoon,
Dist. Jalgaon.
9. Dhannasing S/o Ramu Patil,
Age Major, Occ. Agri.,
R/o At-Saiagaon, Post Kurhad,
Tal. Pachora, Dist. Jalgaon.
10. Laxman Dadaji Patil,
Age Major, Occ. Agri.,
R/o At Bhilali, Post Halpimpri,
Tq. Parola, Dist. Jalgaon.
11. Raghunath S/o Ganpat Senawane,
Age Major, Occ. Agri.,
R/o At Vadanagari, Post;
Kupanagari, Tq. & Dist. Jalgaon.
12. Vishwasrao Bhaurao Yerande,
Age Major, Occ. Agri.,
R/o At & Post-Paradiadi,
Tq. Nandgaon, Dist. Nasik.
13. The Collector,
District Jalgaon; in the
capacity of Returning Officer,
for 16 Erandol Lok Sabha
Constituency.

RESPONDENTS.

Being Election Petition No. 3 1990 for reliefs praying that:—

- (a) That, it is declared that the election of the first respondent to the 9th Parliamentary (Loksabha) from the 16-Erandol Parliamentary Constituency, held on 24-11-89 is Null and void on the ground of the first respondent and his agents and other persons with his consent, having committed corrupt practices, as decided under Section 123(2), 123(3) and 123(3A) of the Representation of the People Act,

1951, and also because of the violation of Rule 51, and 52 and other rules of the Conduct of Election Rules, 1961, framed under the said Act;

- (b) That, the petitioner be declared to have been elected from the said 16-Erandol Parliamentary Constituency in the election for the 9th Parliament (Lok-sabha) held on 24-11-89;
- (c) That, in the alternative of Prayer clause (b) fresh elections be ordered to be held in the said 16-Erandol Parliamentary Constituency;
- (d) That the election of respondent no. 1 be declared as Null and void on the ground that the nomination of Shri V. G. Patil has been rejected illegally and the decision of rejections of nomination paper of Shri V. G. Patil by respondent No. 13 be declared as illegal;
- (e) That, pending hearing and final disposal of this petition, the respondent No. 15 be directed to recount the entire votes polled in 16-Erandol Parliamentary constituency in the election for 9th Parliament (Lok-sabha) held on 24-11-1989 and permit the petitioner and its counting agents to re-check, scrutinise and examine the votes at the time of recounting;
- (f) The cost of the petition be provided for;
- (g) Any other or further reliefs as the Court may deem fit and prayer, be granted.

Shri P. G. Deshmukh, Advocate for Petitioner.

Shri A. H. Joshi, Advocate for Respondent No. 1.

Shri G. C. Deshpande, Advocate for Respondents
Nos. 5, 6, 7, 9 an d11.

CORAM : HALBE, J.

Heard the learned advocate for the petitioner and the learned Advocate for respondent No. 1. The learned Advocate for respondent No. 1 has filed additional issues at Exhibit-9. The learned Advocate for the respondent No. 1 has prayed that these issues be heard as preliminary issues. On going through the Election Petition it is to be noticed that the speeches on which the petitioner seeks to rely are broadly mentioned in the petition. The alleged offending portion has been a part of the petition.

So far as the video and Audio Cassettes are concerned it is submitted that they depict the same speeches on which the petitioner relies. These cassettes are in the custody of police and hence the transcription has not been supplied. Since the petitioner is not the custodian of these cassettes he is entitled to call these cassettes from he police. Hence there is no need to try these issues as preliminary issues. Accordingly those issues be framed but the request of the learned Advocate that these issues be heard as preliminary issues is rejected. There should be no order as to costs.

Dt. 12-11-1990.

Sd/-

Dt. 13-11-90.

for Deputy Registrar.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

ELECTION PETITION NO. 3 OF 1990

1. Vijay Naval Patil.

PETITIONER.

—VERSUS—

1. Uttamrao Laxmanrao Patil.

2. Dr. Madhukarrao Atmaram Patil.

3. A. Hakeem A. Rahman,
4. Umakant Hemraj Chaudhari,
5. Nannavre Digamber Awachit,
6. Sadashiv Daulat Khairnar,
7. Popatlal Fulchand Jain,
8. Gorakh S/o Raghunath Patil,
9. Dannasing S/o Ramu Patil,
10. Laxman Dadaji Patil,
11. Raghunath S/o Ganat Sonwane,
12. Vishwasrao Bhaurao Yerende,
13. The Collector, Dist. Jalgaon Respondent
- Shri R. G. Karmarkar, Adv. for the Petitioner.
- Shri A. H. Joshi, Adv. for Respondent No. 1.
- Shri G. G. Deshpande, Adv. for Resp. nos. 5, 6, 7, 9 & 11. Rest of the Respondent Served.

CORAM : A. A. HALBE. J.

MARCH 22, 1991.

ORDER BELOW EXH. 22 :

The petitioner has filed this election petition against the respondents praying that the election of respondent no. 1 to the Parliament from 16-Erandol Constituency, held on 24-11-1989, be declared null and void on the ground that the respondent No. 1, his agent and other persons with the consent of respondent no. 1 committed corrupt practices as described under section 123 (2), (3) and (3A) of Representation of People Act, and also on the further ground that there was violation of Rules 51 and 52 of Conduct of Election Rules, 1961.

2. The undisputed facts are that both the petitioner and the respondent no. 1 along with other respondents 2 to 12 had contested the above Parliamentary election. The petitioner was the candidate of the Indian National Congress, whereas respondent no. 1 was the candidate sponsored and set up by the Bharatiya Janata Party. The other candidates represented some political parties, but many of them were the independent candidates. According to the petitioner, respondent no. 1 promoted ill will and hatred between Hindus and Mohammedans by publishing the articles in Marmik which is a news paper of Shiv Sena. In that paper, Bal Thakarey, the editor had published several articles, promoting communal hatred between Hindus and Mohammedans. There was also meeting on 5-11-1989 and 21-11-1989, where-in the speakers with the consent of respondent No. 1 delivered such speeches whereby the voters were promoted to vote on the ground of Hindu religion and it was also spoken and propagated that Hindus should unite and constitute a Vote Bank and defeat other candidates, more particularly Congress, which has leaning towards Mohammedans. There was an additional ground that there was improper rejection of nomination of one V. G. Patil, who was holding the position of a District Commandant, which was not an office of profit. On these grounds the petitioner sought the above declaration. The respondents challenged all these averments and contested that there was no attempt to promote illwill and hatred between Hindus or Mohammedans, that the allegations detailed in various paragraphs of the petition were false.

3. On the basis of the pleadings, issues were framed at Ex. 6 as follows :

- “(i) Whether the petitioner proves that respondent No. 1 (the returned candidate) his election agents or his supporters with his consent appealed to the electors to vote for him on the ground of religion ?

- (ii) Whether the petitioner proves that respondent No. 1 through speeches of himself, that of his agents and other supporters with his consent promoted illwill and communal hatred between the Hindus and the Mohammedans as detailed in para 16 and 17 of the petition ?
- (iii) Whether the petitioner proves that Balasaheb Thakare, Shiv Sena Pramukh, with the consent of respondent No. 1 published articles in “Marmik” news paper having circulation in the electoral constituency and promoted communal hatred between the above two communities on the ground of Hindu religion as detailed in paras 18, 19, 20, 21 and 22 of the petition ?
- (iv) Whether the above acts constitute corrupt practices as envisaged under section 123 (2), (3) and (3A) of the Representation of People Act, on the part of respondent No. 1 ?
- (v) Whether the petitioner proves that respondent No. 1, his election agents or his supporters with his consent at meeting, dated 5-11-1989 as mentioned in para 24 and meeting dated 21-11-1989 propagated for respondent No. 1 on the ground of religion ?
- (vi) Whether the petitioner proves that respondent No. 13 in contravention of Rules 51 and 52 of the Conduct of Election Rules, did not approve 36 counting agents of the petitioner and that due to their absence at the counting of votes, improper and invalid votes were taken as valid and valid votes were declared as invalid votes and that resulted adversely to the interest of petitioner as described in paras 34, 35 and 36 of the petition ?
- (vii) Whether the petitioner proves that respondent No. 1 campaigned for regularising the illegal occupation of the forest lands by the tribals and thus committed corrupt practices as alleged in para 38 of the petition ?
- (ix) Whether the petitioner proves that the result of his election was adversely affected because of the change in his number in the candidates list and also change in the place earmarked for counting of votes by respondent No. 13 ?
- (x) Whether the petitioner is entitled for the declaration that the election of respondent No. 1 is void and that he is entitled to be declared as elected ?
- (xi) Alternatively, whether the election of respondent No. 1 is void because of improper rejection of the nomination of one V. G. Patil ?
- (xii) What order ?

My findings thereon are :

- (i) to (x) No.
- (xi) Does not survive.

4. In this case, after examining Shenfadu Bhivsan Sonwane and two other witnesses, the learned advocates for the petitioner has filed no instructions purshis, the parties are also not present and hence the petitioner is not interested in prosecuting the matter. According to the learned advocates for the petitioner he has not received instructions to examine other witnesses.

5. Now, so far as Shenfadu Bhivsan Sonwane, is concerned, he has deposed that he heard the speeches of the Shivsena Speakers, that Babri Masjid should be pulled down and Ram temple should be constructed thereon. However, in the cross-examination, he has stated that the respondent No. 1 unveiled the statue of Babasaheb Ambedkar. He has also stated that he had filed Criminal Case against Rathunath Dattu Potdar for abusing and insulting him by caste. It seems that this witness is not Buddha by caste. However, he has stated that prosecution was not properly filed by him and that one application was got signed from him for withdrawing the

case. This was under influence of intoxication which was caused by some other party. He again made complaint against the police. However, that complaint was also not taken cognizance of by the police. He has further stated that he has animus against respondent No. 1 because respondent No. 1 who was the Cabinet Minister in 1978 did not fulfil the promises of providing reliefs to the tribals and other backward class people. He does not possess the written notes of the speech delivered by respondent No. 1 or any other speaker. He is unable to advert upon verbatim speech of respondent No. 1. It seems that the respondent No. 1 did not oblige him in connection with the demands of their society. He has further intimated that respondent No. 1 got the statue of Ambedkar installed in face of the failure of this witness to install the same. This would, therefore, indicate that this witness is an interested witness against the respondent No. 1. Hence his testimony cannot be of any assistance to the petitioner.

6. The other witness Sandeep Gokul Dhanpawar claims to have heard the speech 8—15 days before the actual polling. He heard the speeches of Shivsena-Bhartiya Janata Party persons. They spoke that the election was like a Dharmayuddha. It was also stated that the voters must cast votes in favour of respondent No. 1 to save Hindutwa. Ganesh Rana also spoke in the same terms. There was an appeal on the basis of religion. In the cross-examination, he has stated that he is unable to give the exact words uttered by the speakers. Respondent did not inform about the speeches either to the petitioner or the police. He is unable to give the date or the day of the meeting. He does not have the written notes of the speeches and he has spoken out of the memory. Hence the evidence of this witness cannot inspire confidence. He has stated that nobody protested against the slogans shouted at the meeting.

7. The third witness Bhagwat Keshav Suryavanshi has stated that he also heard the speeches at Maratha Mangal Karyalaya ground where respondent No. 1 was present on the day. Balasaheb Thakrey spoke that he does not personally prefer the term minority. He also spoke that because of the Congress Government the residence of Hindus have to think as to whether the temple could be put up. In the cross-examination, he has stated that he is the employee in the college run by Navalbhau Pratishthan, Naval Nagar of which the petitioner is the Executive Director. He also does not possess the notes of speeches nor any talk about the speech. His evidence is also of tainted nature and there is no evidence worth the name to believe in the testimony of any of these witnesses.

8. No further evidence has been led and as indicated no instructions purshis has been filed on behalf of the petitioner by the learned advocate for the petitioner. I, therefore, feel that the evidence on record cannot prove the allegations of the petitioner. Hence, the petition is dismissed. The security amount shall be returned to the petitioner. Action under section 103 of the Representation of People Act.

नई दिल्ली, 8 जुलाई, 1991

आ.अ. 81 :—भारत निर्वाचन आयोग की निर्वाचन अर्जी सं. 1 में मुम्बई उच्च न्यायालय (औरंगाबाद पीठ) 36-ओसमानाबाद (अ.जा.) संसदीय निर्वाचन क्षेत्र से लोक सभा के लिए निर्वाचित श्री अरविन्द सुपुत्र तुली राम काम्बले के निर्वाचन को प्रश्नित करने वाली 1990 के तारीख 23-3-1991 वाले निर्णय/आदेश को लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में इसके द्वारा प्रकाशित करता है।

[सं. 82/महा-लो. स. 1/90 (औरंगाबाद)]
एस.के. पाण्डे, अवर सचिव

New Delhi, the 8th July, 1991

O.N. 81:—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election

Commission of India hereby publishes the Judgment/Order, dated 26-3-1991, of the High Court of Judicature at Bombay (Aurangabad Bench) in Election Petition No. 1 of 1990, calling in question the election of Shri Arvind S/o Tulshiram Kamble to the House of the People from 36-Osmanabad (SC) Parliamentary constituency.

[No. 82/MT-HP/1/90 (Aurangabad)]

S. K. PANDEY, Under Secy.

HIGH COURT OF JUDICATURE AT BOMBAY, AURANGABAD BENCH, AT AURANGABAD

Election Petition No. 1 of 1990

Ashok S/o Sankar Gholap,
aged 42 years,
occupation : Journalist and
Social Worker,
r/o. 3703/A,
M.D. Road, Barshi,
District, Solapur

Petitioner

Versus

(1) Arvind S/o Tulshiram Kamble,
aged, major,
occupation, Member of Parliament,
r/o, Nai-Abadi, Udgir,
presently Member of Parliament,
New Delhi.

(2) Shri B. B. Patil,
Returning Officer,
36, Osmanabad Parliamentary,
Constituency,
Collector, Osmanabad

Respondents

Shri Shivajirao Scindia Advocates—for Petitioner.

Shri K. G. Navandar with Shri Basawraj Sontokee-Patil,
Advocates—for Respondent No. 1.

Mrs. A. S. Rasal, Assistant Government Pleader—for
Respondent No. 2.

CORAM : N. P. CHAPALGAONKER, J.

Date : March 26th, 1991

JUDGMENT

(1) Petitioner herein was desirous to contest the election from 36th Osmanabad Lok-Sabha Constituency which was reserved for candidate belonging to Scheduled Caste in the elections held for the 9th Lok-Sabha. His nomination paper came to be rejected by the Respondent No. 2 vide his order dated 1st November, 1989 stating that though the petitioner has shown Hindu-Khatik as his caste, he had not appended certificate certifying that he belongs to this caste and though other contestants raised doubt about the petitioner belonging to the Scheduled Caste, he did not produce the certificate when asked for at the scrutiny. This rejection of the nomination paper is challenged in this Election Petition No. 1/1990. Thereafter petitioner started his evidence and statements of the petitioner and witnesses, Yousuf Suleman Shaikh, Vasudev Dagadu Thorat, Lingappa Kamble, Sopan Nivrutti Shinde, Gajanan Pawar, and Dattatraya Nagesh Karyakarte, were recorded. Case was adjourned for further evidence and in the meantime 9th Lok-Sabha came to be dissolved by the President of India by a notification. On 21st March, 1991, Respondent No. 1 submitted an application at Exhibit 60 that the election petition has become infructuous and be disposed of without any further proceedings. On this application, petitioner has submitted his say through his Counsel admitting the fact that the 9th Lok-Sabha is dissolved and the Court may pass appropriate orders. Counsel for the Respondent No. 2 in her say has submitted that the 9th Lok-Sabha is dissolved on 13th of March, 1991 and, therefore, the petition has become infructuous.

(2) The question in this election petition was whether petitioner's nomination paper was wrongly rejected. Therefore, whether petitioner belongs to Khatik community and whether the rejection of his nomination was proper, were the main issues on which a judgment by this Court was called for. Notification by the President of India dated 13th of March, 1991 dissolving 9th Lok-Sabha has totally altered the texture of this case. The issues which were to be decided have now become merely academic questions. The decision in either way of these issues is not going to effect the position of the parties as it stands today.

(3) My attention was invited by Mrs. A. S. Rasal, learned Assistant Government Pleader representing Respondent No. 2, to a judgment of the Supreme Court in Loknath Padhan Vs. Birendra Kumar Sahu [(1974) 1 Supreme Court Cases 526]. In this case when the Legislative Assembly was dissolved, the appeal arising out of the judgment in election petition was dismissed.

Learned Judges had observed thus :

"It would be clearly futile and meaningless for the Court to decide an academic question, the answer to which would not affect the position of one party or the other. The Court would not engage in a fruitless exercise. It would refuse to decide a question, unless it has a bearing on some right or liability in controversy between the parties. If the decision of a question would be wholly ineffectual so far as the parties are concerned, it would be not only unnecessary and pointless but also inexpedient to decide it and the Court would properly decline to do so."

(4) In Dhartiakar Madan Lal Agarwal Vs. Shri Rajiv Gandhi (AIR 1987 S.C. 1577), Supreme Court took the same view and observed that :

"Since the impugned election relates to the Lok Sabha which was dissolved in 1984 the respondent's election cannot be set aside in the present proceedings even if the election petition is ultimately allowed on trial as the respondent is a continuing member of the Lok Sabha not on the basis of the impugned election held in 1981 but on the basis of his subsequent election in 1984. Even if we allow the appeal and remit the case to the High Court the respondent's election cannot be set aside after trial of the election petition as the relief for setting aside the election has been rendered infructuous by lapse of time. In his view grounds raised in the petition for setting aside the election of the respondent have been rendered academic. Court should not undertake to decide an issue unless it is a living issue between the parties."

(5) If there is an allegation about corrupt practice, position becomes different. In Loknath Padhan's Case (Cited supra) Supreme Court observed thus :

"The position might be different if the allegation against the respondent were of corrupt practice. A finding of corrupt practice having serious consequences, the decision of the question whether corrupt practice was committed by the respondent or not would not be academic and the Court would have to decide it, even if in the meantime the Legislature is dissolved."

Such is not case in the petition at hand. There is no allegation about corrupt practice and, therefore, there would not be any consequence which would last beyond the date of the dissolution of 9th Lok-Sabha.

(6) In the result, election petition is dismissed as having become infructuous. In the circumstances of the case, 1903 GI/91—2.

there be no order as to costs. Office to take action under Section 103 of the Representation of People Act, 1951.

नई दिल्ली, 22 जुलाई, 1991

आ.प्र. 82 --लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1990 की निर्वाचन प्रती सं. 11 में उच्च न्यायालय, लखनऊ बेंच, लखनऊ के तारीख 7-5-91 के निर्णय को एतद्वारा प्रकाशित करता है।

[सं. 82/उ.प्र.नं.स./11/90(लख.)]

New Delhi, the 22nd July, 1991

O.N. 82.--In pursuance of Section 106 of the Representation of the People Act, 1951, (43 of 1951), the Election Commission hereby publishes the judgement dated 7-5-1991, of the High Court of Judicature at Lucknow Bench, Lucknow, in the Election Petition No. 11 of 1990.

[No. 82/UP-HP/11/90(LKW)]

IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW

Election Petition No. 11 of 90

Dr. Datt Ji.

..Petitioner.

Vs.

Sri Mandhata Singh and 26 others.

...Opp. Parties

Election Petition U/S 80, 100 & 101 of the Representation of the People Act, 1950, relating to the Election of Lok-Sabha 20th Lucknow Constituency, District Lucknow held on 22-11-89 and result was declared on 27-11-89.

Lucknow dated, 7-5-91.

Hon'ble S. No. Sahay, J.

Heard the learned counsel for the parties. The application for dismissal of Election Petition is allowed. The Election Petition is dismissed as having become infructuous. The petitioner shall be entitled to refund of the amount of security deposited by him in court.

Sd/- S. N. SAHAY.

7-5-91

आ.प्र. 83.--लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1990 की निर्वाचन प्रती सं. 14 में उच्च न्यायालय, लखनऊ बेंच, लखनऊ के तारीख 7-5-91 के निर्णय को एतद्वारा प्रकाशित करता है।

[सं. 83/उ.प्र.नं.स./14/90(लख.)]

O.N. 83.--In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated 7-5-1991, of the High Court of Judicature at Lucknow Bench, Lucknow, in the Election Petition No. 14 of 1990.

[No. 82/UP-HP/14/90(Lkw)]

IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW

Election Petition No. 14 of 90

Sunil Kumar and another

..Petitioners.

Vs.

Sri Mandhata Singh and 27 others

..Opp. Parties.

Election Petition Under Section 80, 100 and 101 of the Representation of People Act, 1950 relating to the Election

of Lok Sabha 20th Lucknow Lok Sabha Constituency District Lucknow held on 22-11-89 and result was declared on 27-11-89.

Lucknow daed, 7-5-91.

Hon'ble S. N. Sahay, J.

Heard the learned counsel for the parties. The application for dismissal of the Election Petition is allowed. The Election Petition is dismissed as having become infructuous. The petitioner shall be entitled to the refund of the amount of security deposited in court.

Sd/- S. N. SAHAY.
7-5-91

प्र.अ. 84 -- लोक प्रतिनिधित्व अधिनियम 1951 (1951 का 43)
को धारा 106 के अन्तर्गत में, निर्वाचन आयोग 1990 की निर्वाचन
अर्जी नं. 15 में उक्त व्यक्तिगत लखनऊ बेंच, लखनऊ के तारीख 3-5-91
के निर्णय को पुनर्जांच करण किया है।

[नं. 82/उ.प.-वा.म./15/90(लख.)]

आदेश में,

एम. एच. फारुकी, अवर सचिव

O.N. 84.--In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated 3-5-1991, of the High Court of Judicature at Lucknow Bench, Lucknow, in Election Petition No. 15 of 1990.

[No. 82/UP-HP/15/90(Lkw)]

By Order,

L. H. FARUQI, Under Secy.

IN THE HON'BLE COURT OF JUDICATURE AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW

Election Petition no. 15 of 1990

Surendra Vikram Singh s/o Late Sri I. M. Singh ..Petitioner.
Vs.

1. Dharam Gan Singh s/o late Sarga Singh

and others.

..Opp. Parties.

Under Sections 80/81 of the Representation of the People's Act.

Lucknow, dated 3-5-1991.

Hon'ble V. Kumar, J.

Sri Abid Ali, learned counsel for the petitioner stated that the petitioner is no more pressing this Election Petition and it may be dismissed. He submits that there may be no order as to costs.

Sri G. K. Mehrotra, learned counsel for the respondent no. 1 submits that there have been made allegations of corruption in this Election Petition and it should therefore be disposed of on merits, and, secondly, in case the Election Petition is dismissed, the respondent should be awarded costs for that.

In this Election Petition what the Petitioner is claiming, is that the election of the respondent no. 1 is null and void, and that the petitioner be declared to be duly elected as Member of the Parliament. There are various grounds on which the election of the respondent no. 1 has been challenged. However, it is a fact that the Lok Sabha has since been dissolved, and further that none there is no member of the Lok Sabha subsisting. It is also a fact that the election of a new Lok Sabha has been announced and is going to take place on fixed dates.

The Election Petition is dismissed as not pressed by the petitioner. In view of the circumstances, no order is made as to costs.

The security for costs may be refunded to the petitioner.

Sd/- V. Kumar

3-5-1991